

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARILYN GAYE PIETY FOLEY	:	
	:	CIVIL ACTION
Plaintiff	:	
	:	NO. 22-1777
v.	:	
	:	Before the Hon. Wendy Beetlestone
DREXEL UNIVERSITY	:	United States District Judge
	:	
Defendant	:	

**Plaintiff's Emergency Motion to Modify Scheduling Order So That Court May
Resolve Comparator and Damages Calculations Issues**

After the jury rendered its verdict finding that Drexel's violation of the Equal Pay Act was willful, the Court ordered the parties to work together to reach agreement and provide their damages calculations by close of business the following day, which is today, January 30, 2025. Plaintiff requests that this deadline be modified, because, today, Plaintiff has filed two motions that, depending on how this Court resolves them, could require the parties to re-do any damages calculations they do today.

The motions are:

Plaintiff's Motion to Modify / Mold the Verdict to Include Drs Astro and Greenberg Whom Defendant Admitted in Sworn Testimony Did Substantially Equal Work to Dr. Piety and Because Defendant Misled Jury Into Misunderstanding Jury and Court Instructions (ECF #255)

and

Plaintiff's Motion Requesting that Court Calculate Damages Based Only on Highest Paid Male Comparator to Avoid Perpetuating Pay Discrimination and a Pay Glass Ceiling for Women (ECF #256)

If the Court grants those two motions, the backpay damages calculations will be simple, and no agreement between the parties will be necessary: Plaintiff will simply compare her salary to Dr. Greenberg's salary until he retired in 2019 and, after that date, then Plaintiff will compare her salary to Dr. Astro's up until the present. Plaintiff respectfully requests that this Court use its inherent authority to modify the deadline **so that the Court may decide these two important motions**, and so that the parties may avoid what may be time-consuming back-and-forth to calculate damages that may have to be re-calculated. *See Reisinger v. City of Wilkes-Barre*, 520 F. App'x 77, 80 (3d Cir. 2013) (court's discretion to control its docket); *In re Fine Paper Antitrust Litig.*, 685 F.2d 810, 817 (3d Cir.1982) (same).

WHEREFORE, for the reasons set forth above, Plaintiff respectfully requests that this Honorable Court grant her emergency motion and modify its deadline for the parties to provide their damages calculations.

Respectfully submitted,

BRIAN J. FOLEY, ATTORNEY AT LAW

/s/ Brian J. Foley

BRIAN J. FOLEY, ESQUIRE

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Attorney for Plaintiff

January 30, 2025

CERTIFICATE OF SERVICE

I, BRIAN J. FOLEY, ESQ., attorney for Plaintiff, Marilyn Gaye Piety Foley, hereby certify that on the date below that a true and correct copy of the foregoing ***Plaintiff's Emergency Motion to Modify Scheduling Order So That Court May Resolve Comparator and Damages Calculations Issues*** and proposed Order, were filed electronically and are available for viewing and downloading from the Court's ECF system and that a notice of electronic filing will be generated to all counsel of record, thereby constituting service of the document.

/s/ Brian J. Foley

Brian J. Foley, Esquire

Date: January 30, 2025

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Marilyn Gaye Piety Foley
Plaintiff

v.

Drexel University
Defendants

CIVIL ACTION

NO. 22-cv
01777-WB

ORDER

AND NOW, this ____ day of _____ 2025, it is **ORDERED** that Plaintiff's Emergency Motion to Modify Scheduling Order So That Court May Resolve Comparator and Damages Calculations Issues is **GRANTED**.

BY THE COURT:

THE HONORABLE WENDY BEETLESTONE
UNITED STATES DISTRICT JUDGE